

Notice of Allowability

Application No.

09/998,629

Examiner

Michael J. Yigdal

Applicant(s)

MORRISON ET AL.

Art Unit

2192

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Applicant's submission filed on December 6, 2006.
2. ☒ The allowed claim(s) is/are 27-36 (renumbered 1-10).
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|---|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____ |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____ | 7. <input type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____ |


TUAN DAM
SUPERVISORY PATENT EXAMINER

DETAILED ACTION

1. This Office action is responsive to Applicant's submission filed on December 6, 2006.

Claims 27-36 are pending.

Response to Amendment

2. The rejection of claims 30 and 31 under 35 U.S.C. 112, second paragraph, has been withdrawn in view of Applicant's amendment.

3. The rejection of claims 27-36 under 35 U.S.C. 103(a) as being unpatentable over Goodman in view of Bouchier '343 in view of Forsman has been withdrawn in view of Applicant's showing under 35 U.S.C. 103(c) that the Bouchier '343 reference is disqualified as prior art in such rejections (remarks, page 11).

4. The rejection of claims 27-36 under 35 U.S.C. 103(a) as being unpatentable over Goodman in view of Bouchier '317 in view of Forsman has been withdrawn in view of Applicant's showing under 35 U.S.C. 103(c) that the Bouchier '317 reference is disqualified as prior art in such rejections (remarks, page 11).

Response to Arguments

5. Applicant's arguments (remarks, pages 8-11) have been fully considered and are persuasive. The rejection of claims 27-36 under 35 U.S.C. 103(a) as being unpatentable over Goodman in view of Evans in view of Forsman has been withdrawn.

Allowable Subject Matter

6. Claims 27-36 are allowed.

7. The following is an examiner's statement of reasons for allowance.

The prior art of record does not teach or fairly suggest, in the manner and combination recited in each of independent claims 27, 30, 31, 32 and 33, updating firmware in the cells of a high-availability cellular computer system that comprises a high-speed interconnect and a separate management or manageability interconnect, wherein each cell comprises a processor and a separate management or manageability processor, wherein the management or manageability processors exchange messages over the management or manageability interconnect to initiate the firmware update, and wherein valid or desired firmware from one cell is transmitted to another cell with errored or corrupted firmware to effect the update.

8. Any comments considered necessary by Applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael J. Yigdall whose telephone number is (571) 272-3707. The examiner can normally be reached on Monday through Friday from 7:30am to 4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tuan Q. Dam can be reached on (571) 272-3695. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

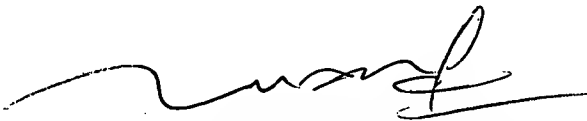
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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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Michael J. Yigdall
Examiner
Art Unit 2192

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